

RECEIVED <sup>Sc</sup>  
SUPREME COURT  
STATE OF WASHINGTON  
May 11, 2011, 3:23 pm  
BY RONALD R. CARPENTER  
CLERK <sup>E</sup>

RECEIVED BY <sup>Sc</sup> ~~EMAIL~~

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

CHAD M. CARLSEN, and  
SHASTA CARLSEN, husband  
and wife, individually and on  
behalf of a Class of similarly  
situated Washington families;  
and CARL POPHAM and  
MARY POPHAM, husband and  
wife, individually and on behalf  
of a Class of similarly situated  
Washington families,

Plaintiffs,

v.

GLOBAL CLIENT  
SOLUTIONS, LLC, an  
Oklahoma limited liability  
company; ROCKY MOUNTAIN  
BANK & TRUST, a Colorado  
financial institution; JOHN AND  
JANE DOES A-K,

Defendants.

No. 84855-6

*AMICUS CURIAE*  
NOTEWORLD LLC'S  
SECOND STATEMENT OF  
ADDITIONAL AUTHORITY

Pursuant to Washington Rule of Appellate Procedure 10.8, *amicus curiae* NoteWorld LLC ("NoteWorld") offers the following additional authority: Department of Financial Institutions Division of Consumer Services, Document MSIII, The Department's Resolution and Closure of Complaint. This document is attached hereto. On April 14, 2011, the

*AMICUS CURIAE* NOTEWORLD'S SECOND  
STATEMENT OF ADDITIONAL AUTHORITY -

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TELEPHONE: (206) 623-7580  
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ORIGINAL

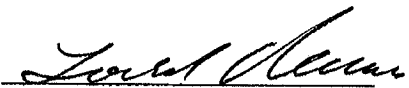
Department of Financial Institutions ("DFI") Division of Consumer Services, under the authority of RCW 19.230.130, conducted an investigation into a claim that NoteWorld "failed to provide debt settlement services." The Department made the following relevant determination: "The Department reviewed Respondent's written response and records and acknowledges that Respondent acted as a money transmitter in this matter and not as a debt settlement company, as evidenced by the signed 'Sign-Up Agreement' that was reviewed."

This additional authority is relevant to the issues discussed in NoteWorld's Amicus Brief Argument section A, page 4-16 (account administrators such as Global Client Solutions and NoteWorld are not debt adjusters), and Argument section B, page 16-20 (account administrators like Global Client Solutions and NoteWorld fall under the exclusion in RCW 18.28.010(2)(b) for regulated money services businesses, and, specifically, a money transmitter like NoteWorld is regulated by the DFI under RCW 19.230).

RESPECTFULLY SUBMITTED this 11th day of May, 2011.

K&L GATES LLP

By



Todd L. Nunn, WSBA # 23267  
Attorney for Amicus Curiae  
NoteWorld LLC

STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES

IN THE MATTER OF INVESTIGATING A  
COMPLAINT FILED UNDER THE UNIFORM  
MONEY SERVICES ACT

Complaint No. 37180

DOCUMENT MSIII  
THE DEPARTMENT'S RESOLUTION  
AND CLOSURE OF COMPLAINT

BY: Edward Mahoney,

Complainant,

AGAINST: NoteWorld LLC,

Respondent.

As you were previously informed, a complaint has been filed against Respondent under chapter 19.230 RCW, the Uniform Money Services Act (the Act). Complainant alleged that Respondent failed to provide debt settlement services to Complainant's Mother. Complainant stated that Respondent collected money that was intended for this service and that the debt settlement service was not rendered, that funds collected should be refunded, and that Respondent took advantage of an 81 year old pious woman's financial situation, while making the financial situation worse.

The Department of Financial Institutions Division of Consumer Services, under the authority of RCW 19.230.130, conducted a limited scope investigation into this matter. Based upon its investigation and the documents and statements provided by the parties, the Department makes the following determination:

No further action required. The Department reviewed Respondent's written response and records and acknowledges that Respondent acted as the money transmitter in this matter and not as a debt settlement service company, as evidenced by the signed "Sign-Up Agreement" that was reviewed. The Department further acknowledges Respondent's efforts to return the unused funds that were held in trust by Respondent, totaling \$1,629.05, check number 621603, made payable to Lois Mahoney, and dated December 18, 2009. The cancelled check records provided to the Department show that this check was cashed on December 21, 2009. These funds were stated to have been refunded as a result of the Complainant's request for termination of the Sign-Up Agreement with Lois Mahoney.

Respondent is reminded of the reporting responsibilities outlined in RCW 19.230.180. The Complainant has made allegations of a serious nature regarding the apparent inactions of the debt settlement service provider, Freedom Debt Center; with regards to the debt settlement provider's handling of the funds that Respondent transmitted.

Respondent is expected to implement a system of controls designed to prevent future violations of the Act. The Department will review Respondent's efforts during Respondent's next examination to ensure compliance with the Act.

1 Accordingly, this Resolution and Closure of Complaint serves as notice that this complaint filed  
2 against Respondent is closed. However, the Department of Financial Institutions Division of  
3 Consumer Services retains the authority to reopen this complaint in the event that subsequent  
4 information comes to our attention relevant to this matter.

5 cc: Edward Mahoney

6 Dated: Thursday, April 14, 2011



8 *Michéal Freer*

9 Michéal Freer, CAMS  
10 Financial Examiner  
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